

**FILED**

IN THE UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

FOR THE DISTRICT OF NEW MEXICO **NOV 06 2018**

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
DOUGLAS D. SMITH, )  
 )  
Defendant. )

No. 18 CR 3495 JCH

**WAIVER OF APPEARANCE AT ARRAIGNMENT**  
**AND ENTRY OF PLEA OF NOT GUILTY**

I understand that a Grand Jury returned an Indictment charging me with criminal offenses.

In connection with this Indictment, I am entitled to personally appear before the Court at every state of criminal proceedings including arraignment.

I have received and read a copy of the Indictment, and I understand the offenses with which I am charged.

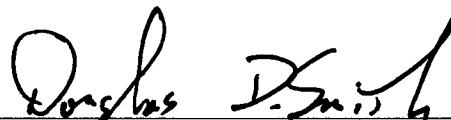
I have been advised of the maximum penalties the Court may impose on me upon a conviction of the offenses charged.

I have been advised of my right of silence; my right to competent legal representation at every critical state of the proceedings; my right to a trial, including a trial before a jury; my right at such trial to confront my accusers, that is, to see, and to hear and to question witnesses and accusers who come to court to offer evidence against me; my right to testify or not to testify as I so determine; my right to summon witnesses

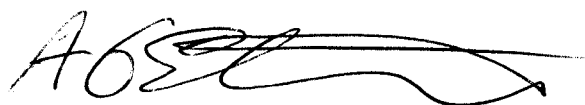
and have my witnesses attend court and testify on my behalf; and my right to appeal the conviction and sentence if I am convicted.

I have been advised of my right to be presumed innocent and to be free from conviction unless and until the United States is able to prove through competent, admissible evidence, and beyond a reasonable doubt that I committed each essential element of the crime charged.

After reading and understanding the Indictment, the penalties, and my rights, and pursuant to Fed. R. Crim. P. 10(b), I request that the Court permit me to waive my personal appearance in court for the arraignment, and I enter a plea of not guilty to the charge contained in the Indictment.



DOUGLAS D. SMITH  
Defendant



ARIC G. ELSENHEIMER, AFPD  
Counsel for Defendant

**APPROVAL OF JUDGE**

Having considered the Defendant's application to waive his personal appearance and good cause appearing, I grant/deny the request. (circle one).

  
UNITED STATES MAGISTRATE JUDGE